

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MICHAEL TYRONE WHEELER,

Plaintiff,

V.

W.E. DONALDSON, et. al.,

Defendants.

Case No.: 2:11-cv-01667-RDP-JEO

MEMORANDUM OF OPINION

The Magistrate Judge filed a Report and Recommendation on October 27, 2011, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. No objections have been filed.

Having carefully reviewed and considered de novo all the materials in the court file, including the Report and Recommendation, the court is of the opinion that the Magistrate Judge's Report is due to be and is hereby **ADOPTED** and the Recommendation is **ACCEPTED**. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. A Final Judgment will be entered.

DONE and **ORDERED** this 17th day of November, 2011

R. C. D.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE